

Zawitoski, John

From: Criss, Jeremy
Sent: Wednesday, March 20, 2013 5:58 PM
To: 'MCP-Chair@mncppc-mc.org'
Cc: 'David Weitzer'; 'Dunn, Pamela'; 'Jane Seigler'; 'Callum Murray'; Zawitoski, John; 'Tom Linthicum'; 'Jane Evans'
Subject: Follow up from The County Council Breakfast for National Agriculture Day and the Zoning Rewrite Process

Attachments: AACZoningrewrite3-20-13.doc

Dear Madam Chair,

Yesterday during the County Council breakfast for National Agriculture Day, David Weitzer, Chair of the Montgomery County Agricultural Advisory Committee-AAC briefly discussed the concerns of the AAC regarding the proposed definition of farming in the Zoning Rewrite Process.

The AAC met last night and they recommended the attached letter be forwarded to you and copied to the County Council outlining this discussion and the concerns of the AAC.

Please let us know if you have any questions.

Thanks J

Jeremy V. Criss
Agricultural Services Manager
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AGRICULTURAL ADVISORY COMMITTEE

March 20, 2013

Francoise Carrier, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland
20910

Dear Madam Chair:

RE: Zoning Rewrite Process-Definition of Farm

Yesterday during the County Council breakfast and Proclamation for National Agricultural Day for Montgomery County I discussed the concerns of the Agricultural Advisory-AAC regarding the proposed definition of Farming as outlined the Zoning Rewrite Process. I would like to thank you for your response and willingness to address these concerns which are outlined below.

Summary of my Statement to the County Council:

The Planning Board has proposed Farming that includes the following accessory uses: 2.The sale of products of agriculture and agricultural processing, if the products are produced on-site or on property owned, rented, or controlled in Montgomery and the adjacent counties by the farmer. I explained that we need to address this issue because this is not in keeping with how some farmers purchase products like grain for animal feed and hay. These purchases may necessarily come from Pennsylvania or even Wyoming and they bring the products back to their base operation in Montgomery County to feed their animals and process the agricultural product for marketing and sale. The availability and economics will dictate these purchases.

The AAC met last night and we discussed how critical it is to not impose essentially a County border restriction on the agricultural industry which is very unique and not like other businesses in the County. Imposing County border restrictions on business operations of the agricultural industry would be like telling Giant or Safeway that they could not sell fruits and vegetables from Mexico or South America in their stores. That would restrict the availability of product needed in their business operations to meet consumer demand and consumers would go elsewhere to purchase goods outside of the County.

It may be helpful to point out under the definition of Farm Market, on-site the Planning Board endorsed the current wording in the Zoning code which states: A maximum of 25 % of the Farm Market, On-site display and sales area may be used for agricultural products not produced on a farm under the control of owner or operator of the Farm Market, On site. The importance of this wording acknowledges that some agricultural products produced elsewhere and outside of both

the County and the State of Maryland, need to be allowed for sale at the Farm Market. Furthermore, this wording acknowledges the understanding that farmers may not be able to produce everything they offer for sale. Sometimes we experience severe drought conditions that require farmers to purchase agricultural products from farmers in region that were not impacted by the drought. The proposed definition of Farming would create a hardship for the farmers as they try to conduct normal business operations under very difficult weather conditions. The owners of Farm Markets will sometime purchase fruit like peaches and apples from outside of the County and State of Maryland because of insects (stink bugs) and pathogens that negatively impact agricultural products.

There are numerous examples of agricultural products that need further consideration to better understand how the farmers operate in the County. Montgomery County has more acres planted in pumpkins than any other County in the State. Sometimes the farmers cannot produce enough pumpkins or sweet corn to meet the demand from the general public and farmers will purchase pumpkins and sweet corn from farmers outside of the County and the State of Maryland in order to meet the customer demand during fall festivals. The flexibility in the Farm Market definition helps the owner to make business decisions for purchasing agricultural products from other farmers outside of the County and the State of Maryland and this flexibility also needs to be incorporated into the definition of Farming by removing the underlined words on page 1.

During the recent Farming at Metro's Edge Conference there were many people advocating the need for more table food products and acknowledging the current capacity of our County farmers cannot meet the growing demand for these products. There were additional suggestions for creating a Food Hub and Food Sheds as a means to address the growing demand of food. We need to acknowledge the agricultural industry is regional and all the agricultural business function as a pure competitive form of business where no one producer can influence the price of their products. In this pure competitive form of business we need to make sure that farmers have the flexibility to compete and be profitable. If farmers are not competitive or profitable they will simply go out of business and no one wants this outcome.

I want to thank you again for offering to look into the issue of the proposed definition of Farming. On behalf of the AAC, we want to thank the Planning Board and the Staff for all of the hard work and dedication on the Zoning Rewrite Process for Montgomery County.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a horizontal line.

David Weitzer, Chairman

Cc: Members of the County Council
Jane Seigler
Pam Dunn

Zawitoski, John

From: Criss, Jeremy
Sent: Wednesday, March 20, 2013 6:03 PM
To: Navarro, Nancy; Rice, Craig; Berliner, Roger; Leventhal, George; Floreen, Nancy; Elrich, Marc; Andrews, Phil; Riemer's Office, Councilmember; Ervin, Valerie
Cc: 'David Weitzer'; MCP-Chair; Zawitoski, John; 'Jane Seigler'
Subject: National Agricultural Day Breakfast and Proclamation follow up
Attachments: AACZoningrewrite3-20-13.doc; AACZoningrewrite1-4-13.doc

Dear Members of the Montgomery County Council,

On behalf of the agricultural community we want to thank you again for yesterday's breakfast and Proclamation to recognize National Agricultural Day in Montgomery County.

Events like this help to make sure the door of communication swings both ways.

During the breakfast David Weitzer, Chair of the Agricultural Advisory Committee-AAC discussed the proposed definition for farming in the Zoning Rewrite Process that is currently being drafted by the MNCPPC.

The attached letter was forwarded to the Chair of the Planning Board outlining this discussion and the concerns of the AAC.

Yesterday, Francoise Carrier said she would look into the issue of the definition of farming.

The second attached letter was forwarded to the Planning Board for the January 2013 work session and it provides a good summary of the remaining agricultural issues the AAC has attempted to address with the Planning Board.

The AAC looks forward to the discussions on the Zoning Rewrite Process as the County Council begins reviewing on April 5, 2013.

Please let us know if you have any questions.

Thanks J

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AGRICULTURAL ADVISORY COMMITTEE

March 20, 2013

Francoise Carrier, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland
20910

Dear Madam Chair:

RE: Zoning Rewrite Process-Definition of Farm

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The Planning Board has proposed Farming that includes the following accessory uses: 2.The sale of products of agriculture and agricultural processing, if the products are produced on-site or on property owned, rented, or controlled in Montgomery and the adjacent counties by the farmer. I explained that we need to address this issue because this is not in keeping with how some farmers purchase products like grain for animal feed and hay. These purchases may necessarily come from Pennsylvania or even Wyoming and they bring the products back to their base operation in Montgomery County to feed their animals and process the agricultural product for marketing and sale. The availability and economics will dictate these purchases.

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the County and the State of Maryland, need to be allowed for sale at the Farm Market. Furthermore, this wording acknowledges the understanding that farmers may not be able to produce everything they offer for sale. Sometimes we experience severe drought conditions that require farmers to purchase agricultural products from farmers in region that were not impacted by the drought. The proposed definition of Farming would create a hardship for the farmers as they try to conduct normal business operations under very difficult weather conditions. The owners of Farm Markets will sometime purchase fruit like peaches and apples from outside of the County and State of Maryland because of insects (stink bugs) and pathogens that negatively impact agricultural products.

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I want to thank you again for offering to look into the issue of the proposed definition of Farming. On behalf of the AAC, we want to thank the Planning Board and the Staff for all of the hard work and dedication on the Zoning Rewrite Process for Montgomery County.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a horizontal line.

David Weitzer, Chairman

Cc: Members of the County Council
Jane Seigler
Pam Dunn



AGRICULTURAL ADVISORY COMMITTEE

January 4, 2013

Francoise Carrier, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland
20910

Dear Madam Chair:

RE: Zoning Rewrite Process-Remaining Issues

On behalf of the Agricultural Advisory Committee-AAC, please accept this letter regarding the remaining agricultural issues surrounding the Zoning Rewrite Process. We want to thank the MNCPPC staff representatives for taking the time to understand our recommendations throughout the Rewrite Process and incorporating many of these recommendations into the December 2012 draft report.

The AAC met on December 18, 2012 and we discussed several sections within the current draft report that need to be addressed to fulfill the legislative intent of the Agricultural Reserve and to protect the interests of agriculture throughout Montgomery County.

Outlined below you will see a summary of these issues:

Amendment to the Definition of Farming:

The AAC recommends the definition of Farming 1.and 2. needs to be amended to delete the reference to “within the County” because agriculture is a regional industry that does not stop at the County borders. There are many farmers in Montgomery County that grow agricultural products from property owned, rented, or controlled by the farmer on farms located in neighboring Counties and then transport these products back their base operation to be marketed in Montgomery County. We understand the wording referencing “within the County” was recommended by the Planning Staff and we respectfully request the Planning Board to not support the Planning Staff and please delete this wording that is not consistent with how agriculture functions regionally today.

Accessory Uses to Farming:

The AAC recommends that all accessory uses to a farm that are permitted in the current code either by definition or by footnote need to be specifically listed in the definition of farming, or within the definition of agricultural processing (Permitted by right when the use is not a stand alone use), or listed in the Use table as Accessory Agricultural Uses. The AAC suggests that if

the Planning Board supports these accessory uses to farming be incorporated into the definition of Farming than the definition of Farming would read as follows:

Farming: 1. Accessory agricultural processing and storage of products grown on-site or on property owned, rented, and/or controlled [within the County] by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing. The AAC is encouraged that on-farm animal slaughtering is supported by the staff and recommends it needs to be added to the list of accessory uses to farming as referenced above.

Solar Collection Systems:

The AAC is encouraged by the new use Solar Collection System being listed in the Use Table as a Limited Use in all zones. This new use will help to address the confusion that currently exists in the Zoning Code regarding freestanding solar systems.

Agricultural Processing-Sawmill:

The AAC believes that a Sawmill is permitted in the AR and Rural Residential zones under agricultural processing. The proposed definition of Agricultural Processing states: Agricultural processing is the operations that transform, package, sort, or grade farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Includes milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing. The AAC believes the highlighted portion would cover a sawmill.

On-Farm Market:

The AAC questions the Planning Board intent to allow an On-Farm Market in residential zones where the primary use is farming because the primary use in residential zones is residential not farming. The AAC understands that agriculture is a permitted use in the residential zones currently and products grown on-site are allowed to be sold. The AAC questions if the proposed provision is in keeping with the current code where in a residential zone a parcel is used for both residential (Residence for the owner of the On-Farm Market) in addition to the use of agriculture.

Floating Zones in the AR Zone:

The AAC questions why the Planning Board prohibits the application of Floating zones in the base zone for Agricultural and Rural Residential zones. The AAC understands that currently there is not an explicit prohibition and the practicalities of proving conformance all but prohibit floating zones applications on properties zones ag or rural residential. The AAC further understands that due to concern that the proposed code could make floating zone application requirements less stringent, the Planning Board requested definitive language be added to the code that prohibits floating zones in the ag and rural residential zones. The AAC questions whether floating or overlay zones could be used to address specific areas of need in the future that no one can predict at this time.

The AAC understands that the Planning Board supports mention of master or sector plans that Floating zones will conform to the objectives of the general plan and applicable County plans.

Public Benefit TDRs and BLTs:

The AAC supports TDRs being a public benefit where the TDRs square footage of 1 TDR equals 4,500 square feet of space. The AAC recommends the current BLT equivalent of square footage needs to be increased to insure the public benefit of TDRs and BLTs are both in balance. The AAC encourages the Planning Board to work with the staff to address this imbalance of TDRs used for Excess-TDRs and BLT-TDRs and we recommend a higher BLT equivalent that does not create an imbalance of equity or in the points awarded for TDRs and BLTs.

Minimum Size for Farming in the Rural Cluster Zone:

The AAC questions the Planning Board recommendation regarding Rural Open Space for farming at a minimum of 25 acres. If the Planning Board will consider smaller farms that will implement the intent of the applicable zones the best standard to use for this purpose is the agricultural preferred taxed properties in the County. The AAC understands the minimum size is currently a standard under the Rural Cluster zone and the draft cites it as applicable under the RNC that staff recommends be corrected.

Agricultural Education/Tourism:(Proposed Standards)

The AAC recommends that Agricultural Education/Tourism needs to be added as a Limited use in the AR zone. The AAC acknowledges that the Planning Board first supported this new term on October 18, 2012 and then rejected this new term on October 25, 2012 due to push back from other stakeholders. The AAC recommends this new term is truly needed in the County Zoning Code to address the uses and activities that are currently in place at numerous on-farm markets where agricultural education and tourism activities are offered to the citizens of Montgomery County.

1. Defined

Agricultural Education/Tourism: [is] Agricultural and accessory activities conducted as part of a farm's regular operations with emphasis on hands-on experiences and events that foster increased knowledge of [farming] agriculture, including [low-impact] cultivation methods, [humane] animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, [teamwork and personal responsibility,] and [other outdoor experiences and events on farms] includes corn mazes, hay rides, and educational tours, classes, and workshops.

2. Use Standards

Where agricultural education/tourism is allowed as a limited use, it is subject to the following standards:

- a. The property must be farmed and agriculturally assessed.
- b. A minimum of [90%] 80% of the property is maintained in agricultural cultivation, pasture land, woodland, or natural features.
- c. Impervious area is a maximum of [5%] 8% of the portion of the site where the Agricultural Education/Tourism area is located.

d. The property must have proper sanitation facilities approved by the Department of Permitting Services.

The AAC was asked by the Planning Board to comment on the types of recreational uses that should be permitted as part of this Agricultural Education/Tourism use. The AAC recommends that recreational opportunities that are directly related to agriculture should only be allowed. We do not support paintball events or Celtic festivals. The AAC supports wine festivals, pumpkin festivals, and camping events with agricultural emphasis. The AAC supports archery camps if they are training bow hunters to hunt white-tailed deer in reducing the size of deer herds.

Recommended Uses for Removing the Prohibition of Footnote 48:

Accessory Apartment:

The AAC questions whether an Accessory Apartment use was removed from the prohibition of footnote 48 and permitted as a Conditional use. Accessory apartments can support an agricultural operation by providing opportunities for housing on the farm within structures like the upper level of a garage or storage building. An accessory apartment can also provide additional sources of revenue to supplement the agricultural operation.

Farm Machinery-Supply Sale, Storage, and Service:

The AAC is encouraged by the Planning Board recommendation to remove the Farm Machinery-Supply Sale, Storage, and Service from the prohibition of footnote 48 and permitted as Conditional uses. These uses represent support businesses that are directly related to agriculture and the legislative intent of the RDT zone. Farmers today must drive to Frederick and Carroll Counties to obtain parts for farm equipment and other supplies necessary to support an agricultural operation. The AAC would like to explore ways that would permit these types of uses in the proposed AR zone.

Thank you for considering the views of the Montgomery County Agricultural Advisory Committee-AAC. On behalf of the AAC, we want to thank the Planning Board and the Staff for all of the hard work and dedication on the Zoning Rewrite Process for Montgomery County.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a horizontal line.

David Weitzer, Chairman

Cc: Jane Seigler
Pam Dunn